

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**CRIMINAL ACTION NO. 3:14-CR-02
(JUDGE GROH)**

**JAMES WILLARD JOHNSON,
EDDIE YOUNG, III, and
NAVARRE SOWELL,**

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION GRANTING
DEFENDANT SOWELL'S MOTION FOR SEVERANCE**

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation of United States Magistrate Judge James E. Seibert. Pursuant to this Court's Local Rules, this action was referred to Magistrate Judge Seibert for submission of a proposed report and a recommendation. Magistrate Judge Seibert filed his report and recommendation, styled as "Order Granting Defendant's Sowell's Motion for Severance of Defendants," on May 9, 2014 [Doc. 102]. In that filing, the magistrate judge recommended that this Court sever Defendant Sowell from his codefendants and schedule a separate trial for Defendant Sowell following the trial of his codefendants.

Pursuant to 28 U.S.C. § 636(b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the

factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the parties' right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).

Objection to Judge Seibert's report and recommendation were due within fourteen (14) days of being served with a copy of the same. As of this date, May 28, 2014, the parties did not file any objections.

Upon careful review of the report and recommendation, it is the opinion of this Court that the magistrate judge's **Report and Recommendation [Doc. 102]** should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated in the magistrate judge's order. Accordingly, the Court hereby orders that Defendant Sowell's Motion for Severance is **GRANTED**. The Court **ORDERS** the severance of Defendant Sowell from his codefendants. Defendant Sowell's trial will immediately follow the conclusion of the trial of his codefendants.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record and to mail a copy to the *pro se* Plaintiff by certified mail, return receipt requested.

DATED: May 28, 2014


GINA M. GROH
UNITED STATES DISTRICT JUDGE